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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/765,695 07/25/97 ABRAHMSSEN

HM22/0211

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EXAMINER

L A96335US

ART UNIT

PAPER NUMBER

SCHWADRON, R
DATE MAILED:

1644

02/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
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DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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Please find below a communication from the **EXAMINER** in charge of this application

Commissioner of Patents

1. The reply filed on 11/18/99 is not fully responsive to the prior Office action because of the following omission(s) or matter(s).

Regarding claim 36 in the amendment filed 11/18/99, the term "superantigens" recited in the last line of said claim has been amended from "superantigen" as previously recited in said claim (see pending claim 36 in amendment filed 10 Jan 1997). 37 CFR 1.121 requires that subject matter to be deleted in a claim be enclosed in brackets, while newly added subject matter is underlined. The M.P.E.P. section 714.22 (Rev. 3, July 1998) pages 700-134 to 700-136 specifies protocols for use in amending language in a pending claim. Applicant needs to amend said phrase as per 37 CFR 1.121 .

2. Regarding applicants petition under 37 CFR 1.181, the following comments are made to clarify the issues addressed in said petition. Buelow et al. teach a protein A-SEB conjugate wherein the SEB portion of the conjugate only contains amino acids 1-138 of SEB (see Figures 3 and 4), which is a conjugate encompassed by claim 1. This conjugate can bind the VB of a TCR (because it stimulates T cells, see Figures 3 and 4). It is an inherent property of said mutated conjugate that it has a modified ability to bind MHC class II antigens because it lacks SEB residues important in MHC class II binding (eg. such as residue 227, see specification, pages 22-23). Therefore, the technical feature linking the inventions of Groups I and II does not constitute a special technical feature as defined by PCT rule 13.2, as it does not define a contribution over the prior art.


Regarding applicants comments in the instant petition, while it is true that the protein A-SEB mutant only containing amino acids 1-130 did not stimulate T proliferation, the SEB mutant containing amino acids 1-138 clearly stimulates T cell proliferation (see Figure 3). This conjugate can bind the VB of a TCR (because it stimulates T cells, see Figure 3). **It is an inherent property of said mutated conjugate that it has a modified ability to bind MHC class II antigens because it lacks SEB residues important in MHC class II binding (eg. such as residue 227, see specification, pages 22-23).** Thus, the conjugate taught by Buelow et al. anticipates the conjugate of claim 1. Therefore, the technical feature linking the inventions of Groups I and II does not constitute a special technical feature as defined by PCT rule 13.2, as it does not define a contribution over the prior art.

In order to expedite resolution of this issue, it is suggested that applicant submit a new petition under 37 CFR 1.181 wherein the aforementioned comments are addressed.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Extensions of this time period may be granted under 37 CFR 1.136(a).

3. Papers related to this application may be submitted to Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Papers should be faxed to Group 1640 at (703) 308-4242.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. The examiner can normally be reached Monday through Thursday from 7:30 to 6:00. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 180 receptionist whose telephone number is (703) 308-0196.


RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800 (600)

Ron Schwadron, Ph.D.
Primary Examiner
Art Unit 1644